

## PUBLIC CITIZEN LITIGATION GROUP

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March 5, 2007

Hon. Frederick J. Scullin, Jr.  
United States District Court Judge  
United States District Court for the  
Northern District of New York  
U.S. Courthouse and Federal Bldg.  
P.O. Box 7255  
100 South Clinton St.  
Syracuse, NY 13261-7255

RE: *Alexander, et al. v. Cahill, et al.*, No. 07-cv-00117

Dear Judge Scullin:

We represent the plaintiffs in this case. On February 14, 2007, plaintiffs filed a Motion for Preliminary Injunction and noticed the return date on the motion for March 23, 2007. This morning, the Court ordered the return date moved up to March 19. However, counsel for defendants has represented that an exhibit accompanying one of the affidavits supporting the motion was missing from the copy of the motion served on him by mail, and therefore contends that service of the motion was not complete thirty-one days prior to the March 19 or 23 return dates as required by Local Rule 7.1(b)(1).

Although plaintiffs do not agree that the exhibit was missing from the mailing or that a later return date is required by the rules, they have agreed to accommodate the state's request for additional time by asking for a new return date of April 13, 2007. Plaintiffs therefore respectfully request that the Court reschedule the return date on the motion to April 13, 2007, in Syracuse. Counsel for defendants has agreed to this return date. Plaintiffs request oral argument on the motion.

Respectfully,



Gregory A. Beck  
N.D.N.Y. Bar Roll No. 514293 (pro hac vice)